

Meeting the Needs of Welsh Speaking Young People in Custody

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Abstract: This article explores issues of discrimination which may be experienced by Welsh speaking young people from Wales within the youth justice secure estate of England and Wales. The article provides a brief outline of the current use of the Welsh Language in Wales and explores the significance of being a territorially bound and historically situated linguistic group. Perceptions of members of a youth offending team (from an area with a high proportion of Welsh speakers) are used to illustrate some key issues affecting Welsh speaking young people sentenced to custody. The developmental and rehabilitative implications of the current situation for young Welsh speaking people and the institutional responses to their linguistic needs are explored. Concluding the discussion, the authors argue that either the current Youth Justice Board for England and Wales needs to engage more proactively with the bilingual context of Wales, or a new Youth Justice Board for Wales should be constituted. Such a Board, they suggest, would be specifically concerned and focused on Welsh issues and might therefore be more committed towards making equal opportunities a reality for Welsh speaking young people in custody.

Many children and young people are imprisoned in the United Kingdom in conditions that are widely condemned as contravening the European Convention on the Rights of the Child (Harvey 2002). The experiences of these children and young people in British prisons have been widely documented (see, for example, Children's Rights Alliance for England 2002). This article focuses discussion upon the current situation of a group of young people in the United Kingdom who have, hitherto, attracted less attention; that is, imprisoned young people from Wales who are first language Welsh speakers. The article explores issues of discrimination affecting this group, the implications of the current situation for the personal development and rehabilitation of these young people and the policy and institutional responses to their needs. Perceptions of members of a youth offending team (from an area with a high proportion of Welsh speakers) are used to illustrate some of the key issues affecting this group of young people highlighted by the article.

Wales comprises the UK's largest territorially-bound, historically-situated, linguistic minority. In the 2001 UK population census, 20.5% of the Wales population (around 550,000 people) described themselves as able to speak Welsh. Although a significant proportion of the current population, this is a considerably smaller percentage than reported being able to speak Welsh in the 1911 census returns. Then, 43.5% of the population of Wales stated that they spoke Welsh. The Welsh Language has been in decline over the last century, although, more recently, the language has experienced something of a revival. Significantly, the 2001 census showed an increase in Welsh speakers between 1991 and 2001 – a rise from 18.7% of the population to 20.5%. By far the largest growth was in the number of Welsh speakers under the age of 18 years, with 30.6% of the under-18-year-old population describing themselves as able to speak Welsh.

It is acknowledged that Wales, like many countries, accommodates a significant proportion of other linguistic minorities. However a distinction is commonly drawn between historically-bound territorially-based linguistic minorities, like the Welsh, and linguistic minorities that exist as a result of migration. In the latter case, a language will be in the minority due to the relative numbers of speakers that happen to migrate into a country. In the former case, a language is often in the minority as a result of systematic and institutionalised policies aimed at linguistic homogeneity. According to May (2000) there are numerous indigenous minority language communities worldwide that, like the Welsh, have historically been marginalised in the process of nation state building. Historically there have been deliberate attempts to rid Wales of the Welsh language. An institutional ban on the Welsh language was introduced in the 1547 Act of Union between Wales and England. Particularly destructive to the Welsh language, thereafter, was the exclusion of Welsh from the school curriculum from 1847 onwards.

In other countries, the drive towards national homogeneity has been underpinned by the discourses of racism. For example, Aboriginal peoples in Australia and Native Americans in the United States were subjected to organised genocidal policies aimed at National racial congruence. Welsh speakers in Wales, along with linguistic minorities such as Basque speakers in Spain and Sami speakers in Norway, have, on the other hand, experienced policies aimed at national linguistic homogeneity. For a short while, linguistic communities worldwide found that such assimilationist objectives were endorsed at the international level. For example, the 'International Labour Organisations' Convention, on the protection of indigenous and other tribal and semi-tribal populations in independent countries, in 1957, arguably had an assimilationist agenda.

Most indigenous linguistic minorities have experienced language diglossia, where their language and culture has been treated as subordinate to the majority language and culture. In Wales, the lack of opportunities to use the Welsh language has been reported in a number of contexts (Davies 1994; Dobson 1996; Cwmni Iaith 2002; Baker 1996; Misell 2000), serving as evidence to Welsh speakers that their language may be less valuable or

worthwhile than other (for example, English) identities. Although not central to our discussion here, it is worth noting that linguistic minorities have also historically found themselves disproportionately arrested, prosecuted, found guilty and sentenced to custody or even death (Davis 1999; Zerrougui 2002).

More recently, mass media, the processes of globalisation and the spread of majority language based multi-nationalism, further threaten minority languages. Notwithstanding this, the breakdown of old world orders and attendant issues about identity has led to some indigenous peoples (for example, Mirandese in Portugal, Frisian in the Netherlands, Basque in Spain and Quechua in Peru) securing a measure of national recognition of their linguistic needs either in written constitutions or laws.

Provisions for indigenous languages are also now endorsed in a number of morally or legally binding European or International declarations. Hence, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, each highlight the need for specific national policies to safeguard the linguistic rights of indigenous peoples.

In Wales, it has been argued that an evolving 'rights consciousness' underpinned the Welsh Language Act of 1993 (Kymlicka 2002). The Act accorded the Welsh Language specific status within Wales, and importantly, for the purposes of this discussion, stated that in respect of the conduct of business and administration of justice in Wales, the English and Welsh languages must be treated equally.

This article explores the experiences of young people sentenced to custody in Wales. The issues raised, however, do have relevance for other indigenous linguistic communities worldwide who seek to have their rights recognised and/or develop effective ways of realising their rights in practice. In the following section we discuss issues of language and identity.

The Significance of Language

Language and personal identity has been the subject of considerable exploration in the field of linguistics. In 1956, Whorf suggested that the structure of particular languages influences the way that speakers of a language know themselves and the way that they understand the world around them. He suggested that each language has, what in German is termed, *Sprachgefühl*, or 'speech feeling', that directs its speakers towards a particular way of thinking about the world and their place within it. A number of authors have argued that Whorf overstated the relevance of language in the construction of identity (Bentahila and Davies 1993; Coulmas 1992; Eastman 1984). However, as Fishman (1991) argues, whilst it may be debatable that language contains a world view that is unique and inaccessible in other languages, it is likely languages do contain customary ways of seeing things based on the historical and cultural influences on the language and its speakers. Although it is important to acknowledge that Welsh speakers are not a homogenous group, and that a person's identity

will be shaped by many additional factors (such as class, race, sexuality, gender and religious affiliation), for many first language Welsh speakers a key aspect of their 'self' is realised through the Welsh language and its associations. On the overall significance of language, Aitchison and Carter (1994) argue:

Language is much more than a means of communication. Not only does it carry a view of the environment, using the word in its proper inclusive sense, but through its vocabulary and its structure, through the associations generated by its literature, through the symbol which it is and the symbols which it transmits, it creates a distinctive identity which is at once a derivative of tradition and an expression of the present. (p.57)

Several publications have commented upon the close association between language and identity in Wales (Roberts 1996; Thomas 1998; Misell 2000). It is argued that a sense of shared identity exists between Welsh speakers, arising from the common experience of being marginalised as a linguistic and territorial group.

The authors argue that language risks being marginalised, as an aspect of diversity, when its association with identity is ignored. They also argue that the complexity of second language communication can be under-appreciated, especially in contexts like the United Kingdom where the vast majority of the population are monolingual. While almost all Welsh speakers are bilingual, that is able to speak Welsh and English, the ambilingual person (an individual who shows equal competence in two languages) is relatively rare. Bilingual speakers tend to have greater ability and comfort in one language (Davies 1994).

Bilingual ability is not static; it varies between individuals and can change over the life course. Because of this, it cannot be assumed that a bilingual person who has ability in a second language is automatically able to engage on an equal basis with first language speakers of that language. Pugh and Jones (1999) demonstrated that in the case of Welsh, some users engaged in such complete use of Welsh in their day-to-day lives, that they had poor command of formal English. Many children and young people raised bilingually in Wales are monolingual Welsh for the first years of their lives, learning English only later in life. That young people may be disadvantaged because of the language they use gains particular significance for young people in custody, where arguably they are most vulnerable.

Methods

While this article primarily constitutes a discussion piece, rather than reporting on an empirical endeavour, the authors draw upon a small study in which the perceptions of members of a Welsh youth offending team were sought. The findings from this study are descriptive rather than analytical and are used purely to illustrate some of the key issues which the article discusses.

A youth offending team in an area of Wales with a high proportion of Welsh speakers was approached in order to elicit perceptions about the experiences of Welsh speaking young people in the youth justice secure estate. The particular team was identified because the geographic area which they covered had a Welsh speaking population of 67% (OPCS 1992). This made it highly likely that the team would be supervising a significant number of Welsh speaking young people.

A short, open-ended, self-completion bilingual questionnaire was distributed to each member of the team ($n = 5$). The questionnaire elicited responses to the following questions: What, if any, issues arise for Welsh speaking young offenders sentenced into custody from your courts?; What, if any, issues arise from their custodial experiences?; What, if any, additional services may be required to address the needs of Welsh speakers?

All five of the youth offending team officers completed and returned their questionnaires. The responses to the questionnaires were organised thematically, and extracts which best represented the perceptions of respondents, under the themes, were selected to illustrate points of interest in the article. A questionnaire was also designed to be completed by three young people who were Welsh speaking and who had experience of being imprisoned. The young people were identified and approached by the youth offending team members. None of the young people, however, agreed to complete the questionnaire. The reasons they gave for non-completion centred upon negative experiences of custody and an unwillingness to be reminded of it.

The Questionnaire Responses

The respondents identified specific issues arising for Welsh speaking young people sentenced to custody from North Wales courts. These were organised into the following themes: isolation, intimidation, access to Welsh language based services, and development and rehabilitation.

All five respondents noted that young people from their area were incarcerated in young people's institutions in England. Respondents felt that, as a consequence of their location outside Wales, young people were likely to be targets 'of abuse and intimidation' (R2) and 'racist comments' (R5). One respondent observed that:

... young people are put in a situation where they feel isolated and under threat because of where they are placed. Being in prison is hard enough not to suffer this as well. (R3)

One respondent described a case where prolonged bullying provoked a young person into damaging his cell. As a consequence, the 'young person was given a supervision order' (R4).

Respondents also noted that it was unlikely that any Welsh speaking staff would be employed in English prisons and that as a result 'education, activities and offending behaviour programmes (are) delivered through the medium of English' (R3). R1 described this situation as leading to:

... what is already a difficult experience being exacerbated due to feelings of isolation, discomfort at trying to communicate in a second language. (R1)

All the respondents felt that these experiences impacted negatively either on young peoples' development or on their reintegration into the community following their release. Being in an unfamiliar linguistic environment was described as 'likely to have a negative effect on their confidence' (R1). Rehabilitation programmes delivered in English were felt to be largely redundant as the young people were unlikely 'to understand the courses' (R3). Moreover, 'the experience of isolation and oppression' was described as likely to have a 'negative effect ... making it harder to integrate them (young people) into the community' (R5).

Respondents suggested several ways in which the needs of Welsh speaking young people in prison might be addressed. These included, greater recognition of 'the importance of language' (R2), 'raising awareness of particular staff to the needs of Welsh speakers' (R4), encouraging young people to 'communicate in their first language' and 'exercise their linguistic rights' (R5) and producing information for young people 'through the medium of Welsh' (R2).

These responses support the findings of a recent All Wales Youth Offending Strategy Group (2002) consultation report and are echoed in the first report of the Select Committee on Welsh Affairs (2003). That is, the majority of young Welsh speaking offenders are incarcerated in England, many experience bullying and intimidation because their first language is Welsh, and all are deprived of opportunities to use their first language. In the following sections some of the key issues affecting young Welsh speaking offenders are discussed in more detail.

Isolation

There exists a severe shortage of secure juvenile accommodation in Wales in general. Youth Justice Board statistics indicate that on 21 January 2003, there were 182 incarcerated juvenile people from Wales, but only 42 secure places in Wales. These 42 places are all in the South of Wales, away from the Welsh speaking heartlands of West and North Wales. As a result, many Welsh speaking young people are incarcerated in England. All the young people supervised by the youth offending officers who participated in our study had been imprisoned in England. These institutions were far from the young people's home communities and considerably further than the 50 mile limit recommended by the Youth Justice Board. On a practical side, this situation results in long and expensive journeys for youth offending team officers who attend review meetings, as well as having an impact on the ability of families to maintain contact with each other. HM Stoke Heath Young Offender Institution in Shropshire, for example, is the feeder institution for North Wales where the majority of males aged between 15 and 17 years are placed to serve custodial sentences. It is approximately 100 miles from Caernarfon, a main conurbation in North West Wales, entailing at least two hours travel time by car. Moreover, the journey would be considerably more arduous by public transport.

Bullying and Intimidation

Our respondents highlighted issues of bullying and racism. From their perception, however, the bullying was not treated by the authorities as a form of race crime. In a report for the Select Committee on Welsh Affairs (2003), bullying experienced by Welsh young people was likened to the tribalistic abuse directed at young people from London, located in Birmingham, or young people from the North of England placed in the South of England. Such comparisons ignore or undermine the important elements of race crime, which reflect traditions of oppression and which link in with wider discriminatory discourses. Moreover, in the case of Welsh people, 'race abuse' may not be classed as a form of racism because the status of Welsh people as a racial or ethnic group is unclear in law. The Race Relations Act 1976 failed to clarify the extent to which people of England, Wales and Scotland constituted protected ethnic groups and therefore to what protections they were entitled under the Act. The authors suggest that this lack of official recognition may lead to greater acceptance of abusive attitudes and commentaries towards Welsh people. Examples of such abuse are evident in the media. For example, in 1997 the writer A.A. Gill commented in the *Sunday Times*: 'We all know the Welsh are loquacious dissemblers, immoral liars, stunted, bigoted, dark, ugly, pugnacious little trolls' (14 September 1997). In 2000, Polly Toynbee, a respected journalist, described Welsh as 'that useless language' (*Radio Times*, 23–29 September 1995). Despite this, Polly Toynbee's Reporter of the Year (emeritus) status was subsequently confirmed. In 2001, Anne Robinson, a popular television quiz show host, when referring to Welsh people, asked: 'What are they for?', before proceeding to question the nature and purpose of the Welsh language (BBC2, 'Room 101', 5 March 2001). These stereotypical comments arguably represent a contemporary outward expression of the institutionalised ideologies that have been part of the systematic demise of the Welsh language, culture and identity. They may also contribute to a cultural context in which Welsh young people and Welsh speakers experience bullying in prison and which informs the institutional responses to these prisoners' needs.

Access to Welsh Language Services

Our respondents' perceptions illustrate how young people placed in the secure estate in England are unable to access services in their first language. It could be argued this conflicts with The Welsh Language Act and the recommendations of the Welsh Assembly Government Policy *Extending Entitlement: Supporting Young People in Wales* (Welsh Assembly Government 2000). The recommendations state that support for young people should be structured around an entitlement to a range of services in the language of their choice. It is also contrary to the Children Act 1989 which, since the High Court judgment by Lord Justice Munby in November 2002, now applies to young people held in young offender institutions. Section 22(5) of the Act states that a child must have their racial, cultural, religious and linguistic needs taken into account.

Developmental Implications

Bio-medical, behavioural, psychoanalytic, psychosocial, systemic and cognitive developmental paradigms offer different approaches to understanding the developmental process. Despite their differences, there is general agreement across disciplines, however, that development is a transactional process occurring between the child and their environment, and that adolescence is associated with a quest for identity.

It has been argued that Welsh speakers in English prisons may experience this transactional context as especially difficult. Young Welsh offenders in English prisons are less likely to enjoy the immediate benefit and support of family and friends and community peers. At the same time, the experience of bullying or intimidation can have a negative impact on self esteem. These features of institutional life may create additional stresses and pressures even for those Welsh speaking young people who have a reasonably good grasp of the English language. Those who do not speak English well and will therefore be more visible, may experience more bullying and greater isolation than other prisoners. Additionally, institutional practices which do not value diversity and difference may exacerbate current emotional and psychological trends in adolescence towards low self esteem (Schaffer 1999). Contexts in which a key aspect of identity (such as language) is marginalised may lead to lower self esteem and increased feelings of worthlessness and despair.

The literature suggests that mental health problems often arise from the fragmentation of self identity (Bentall 2003). Environments that disregard the identity of minority groups and demean their identities can foster ill-health. Goffman (1963) and Rosenhan (1973) associate mental health institutional provision over the last few decades with processes of depersonalisation. These same processes are arguably highly relevant to the experiences of those in young offender establishments. Requiring a young offender to use their second language, or placing them in situations where a key aspect of their identity is not valued, could constitute a significant example of depersonalisation (Laing 1965).

Rehabilitation

Prisons increasingly offer a range of intervention programmes with young people designed to reduce the incidence of reoffending. Much of the focus of these interventions is on education and training for work. Yet in 2003, The Select Committee on Welsh Affairs (2003) report argued that: 'Any idea that (the) curriculum is taken forward in the secure estate in England for Welsh children is a myth' (p.20). In Wales, there are twelve secondary schools where the curriculum is followed through the medium of Welsh, and where English is 'taught' as a second language. However, no provision for Welsh speakers is made in the secure estate in England.

There is evidence that nearly half of those in custody who are of school age have literacy and numeracy levels below those of an average eleven-year-old. Over a quarter have literacy and numeracy levels equivalent to those of the average seven-year-old (Children's Rights Alliance for England

2002). Literacy and numeracy levels in the second language of English are likely to be comparatively lower for first language Welsh speakers. Consequently the language of instruction in prison is likely to be less well understood and the learning that takes place less effective for Welsh speaking young people.

Rehabilitative work with young people is largely predicated upon therapeutic relationships and cognitive behavioural groupwork interventions. Requiring an offender to engage in their second language potentially undermines the foundations of a therapeutic relationship and fails to model pro-social behaviour successfully (Trotter 1990). By the same token, requiring Welsh speakers to engage in cognitive-behavioural interventions in their second language may seriously undermine the effectiveness of the programme. The core premise of cognitive behavioural approaches is that offending behaviour is the result of interplay between language and behaviour. The ability to access, analyse, and consider alternatives to the self-instructional talk that underpins offending behaviour requires considerable skills to access the offender's primary language and language of thought.

Language can be a powerful tool in addressing developmental and rehabilitation problems. However its potential is undermined when a second (rather than first) language is used, and especially when the individual is experiencing feelings of anger, confusion, fear or shame. While feelings of depression, despair or anger can have a significant impact on first language abilities, they may have a greater impact on second language abilities (Davies 1994). If, as is argued, many offenders and young people in the criminal justice system experience difficulties in articulating their thoughts and feelings (McGuire and Priestley 1985), then these difficulties must be compounded in the absence of linguistically appropriate services.

Responses to the Issues

The Youth Justice Board has responded to the problem of Welsh young people being placed in the custodial estate in England (and consequently having limited access to Welsh language services) by proposing to build a secure training centre in Glynneath, between Cardiff and Swansea. This development is a welcome recognition of significant service inadequacies in Wales, but falls short of addressing the needs of incarcerated Welsh speaking people for several reasons. Firstly, whilst a specialist establishment in Wales might keep Welsh speakers in Wales (and go some way to addressing issues of discrimination) most Welsh speakers are found in North and West Wales. Many may therefore find themselves geographically further away from their home, than they would be if incarcerated in England. Secondly, Welsh speakers arguably attain a critical mass necessary to express their Welsh speaking identities and culture when they are congregated together. The low number of Welsh speakers incarcerated in institutions, which house hundreds of prisoners, inevitably means that they are in the minority wherever they are located. Finally, there is little

evidence that the existing custodial establishments in Wales are any better than their English counterparts at addressing the needs of Welsh speaking prisoners. The most recent report on Parc Prison and YOI fills 160 pages, but no mention is made at all of Welsh language provision (Her Majesty's Inspectorate of Prisons 2002). Given that the term 'Welsh language' does not appear at all in the report suggests that language issues are largely ignored. Without the provision of services directed at Welsh speakers within the institution, the geographical location of the prison can be irrelevant. In its Corporate and Business Plan (2003/2004 to 2005/2006) the Board states that it will produce a Welsh Language Scheme (Youth Justice Board 2003), and that it:

..... recognises its obligations under the Welsh Language Act 1993 in its dealings in Wales. The Board undertakes to ensure that

- any material it publishes, whose intended audience is members of the general public in Wales, will be available simultaneously both in Welsh and English;
- any requests for communication in the Welsh language made by a member of the Welsh general public will be accommodated. (p.28)

The plan, however, falls short of addressing the issue of service provision for Welsh speaking young people in general, or to those facing custody in particular. Arguably the report underplays the complexity of bilingualism in a diglossic situation by placing the onus upon individuals to demand their rights. It is ironic that whilst incarceration may exacerbate the need for help through the medium of Welsh, it simultaneously may deprive the individual of the confidence necessary to demand or accept such help. Lynn and Adlam (1998) have noted how Welsh Language speakers are often reluctant to ask for a service in Welsh or accept one when it is offered in English. Requesting Welsh language provision involves the Welsh speaking person having to embrace an identity that they may otherwise feel under pressure to relinquish. Moreover, requesting a service through the medium of Welsh opens up those in already vulnerable positions, to the possible risk of prejudice and discriminatory treatment.

Concluding Comments

Addressing the claims of indigenous linguistic minorities from within the liberal tradition of Western democracies has always been problematic. This is arguably because primary legislative philosophy is concerned, almost exclusively, with protecting the individual against the power of the State system by securing freedoms from State interference. It is argued from this perspective that the State should not seek to privilege any language above any other. However, as Kymlicka and Patten (2003) note, no matter how much a liberally orientated state would wish to stand above various ethnic groups and nationalities, it must of necessity do so in one language or another. By default, the State accords some positive rights, in terms of language, to members of the majority language group, thereby creating a state of diglossia. Granting minority groups the individual freedom to use

their language fails to address adequately the issues arising from the diglossia. For this reason, the authors argue that positive discrimination is necessary to ensure that minority groups (particularly languages with a strong territorial heritage) are enabled to use their preferred language.

Since the creation of the Youth Justice Board for England and Wales in 1998, the Government of Wales Act 1998 has been passed. As a result of this Act, secondary legislative powers were formally transferred from the UK government to the devolved administration in Wales on 1 July 1999. The Welsh Assembly assumed most of the powers previously held by the Secretary of State for Wales, including executive responsibility for education and training, health, economic development, social services and local government. The UK government retained responsibility however, for overall economic policy, defence, and matters relating to the criminal justice system. No devolved powers were therefore conferred on the Welsh assembly in relation to prisons, police, or criminal justice policy.

While it is within the power of the Youth Justice Board for England to introduce positive linguistic rights, there are few signs at present that this is considered a priority. Positive rights might therefore be better realised through the creation of a devolved Youth Justice Board. The devolution argument rests on the principle that local concerns are more likely to be addressed at the local level. In Wales, Welsh speakers represent 20.5% of the population, but within the UK as a whole, Welsh speakers represent only 1% of the population. It is not difficult to see from this that even without a positive rights orientation, the Welsh language would be accorded a higher priority within a devolved Welsh Youth Justice Board.

A positive rights approach is however characteristic of Welsh politics. In this regard, legislation emanating from the Welsh Assembly has differed from that coming from Westminster. According to Drakeford and Williams (2002), Welsh policies embrace: 'a rooted and continuing commitment to collective means of meeting individual needs through the active involvement of the state, rather than reliance on an opportunistic and crude individualism' (p.181). The Government of Wales Act 1998 includes an equality clause requiring the Assembly to go further than governments elsewhere in the UK by proactively ensuring equality of opportunity for the people of Wales. This has encouraged policies specifically seeking to strengthen the Welsh language and rights of access to Welsh language resources. In 2003, for example, the Assembly launched '*Iaith Pawb*' (everybody's language) as a national action plan with the wide-reaching aim of supporting and building upon language use amongst businesses, communities and individuals (Welsh Assembly Government 2003).

In this article, we have explored issues of discrimination within the secure estate of the youth justice system. It has been argued that Welsh speakers constitute a linguistic group in the UK who should be afforded positive rights to use their language within the youth justice secure estate. However, it is apparent from the literature (and illustrated by the responses to our questionnaire) that such rights are not granted and therefore that Welsh speakers are potentially disadvantaged when

sentenced to custody. In the absence of more proactive language strategies from a centralised Youth Justice Board for England and Wales, it is argued, therefore, that a Youth Justice Board for Wales might better foster the necessary positive climate to develop linguistically appropriate services in Wales.¹

Note

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